

# **ORDINANCE NUMBER 2018-05**

AN ORDINANCE OF THE TOWN OF WELAKA, FLORIDA,  
ESTABLISHING PROCEDURES FOR THE MANAGEMENT AND  
RETENTION OF PUBLIC RECORDS OF THE TOWN OF WELAKA AND  
RELATING TO THE INSPECTION, EXAMINATION, AND DUPLICATION  
OF PUBLIC RECORDS, AND THE ASSESSMENT OF COPY CHARGES  
AND SPECIAL SERVICE CHARGES IN CONNECTION THEREWITH AS  
PROVIDED BY LAW.

## **SECTION 1. Short Title**

This ordinance supersedes the Town of Welaka Ordinance Number 98-5, "The Welaka Public Records Ordinance".

## **SECTION 2. Findings**

WHEREAS, Chapter 119, Florida Statutes requires and provides for the management, retention, availability, inspection, examination and duplication of public records; and

WHEREAS, it is now and has been the policy of the Town of Welaka to maintain its public records for the benefit of the citizens of the Town of Welaka and to make such public records available for inspection and examination, and to provide such copies thereof as may be requested by the public subject to copying charges and special service charges as established by the Town Council of the Town of Welaka; and

WHEREAS, the Town Council of the Town of Welaka desires to reduce its prior established public records policy and procedure to written ordinance for reference and guidance to the public.

NOW, THEREFORE, BE IT ORDAINED, That

## **SECTION 3. Town Archives and Record Management Program**

- a. Purpose. The Town of Welaka Archives and Records Management Program is hereby established to provide for the proper and efficient management of the Town's public records, and for the operation of a central repository for same, including the Town's historically valuable records.
- b. Definitions. The following words, term: and phrases, when used this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meanings.
  - a. "Archival Records" means those public records, manuscripts and other records which document the origin and history of the government of the Town of Welaka and the development of its departments which are worthy of permanent preservation and administration because of their importance.
  - b. "Town Clerk" means the Town Clerk of the Town of Welaka, Florida, or his/her duly designated representative, who has primary supervisory authority over the records management program.
  - c. "Town Records Center" means a central repository for storage of inactive public records.

- d. "Inactive Records" means those records no longer required to be active in office areas, but which require further retention due to legal, administrative, historical reasons or other enabling circumstances.
  - e. "Maintenance of Public Records" means the creation, maintenance, protection, use and disposition of public records belonging to the Town of Welaka, Florida, including the establishment and maintenance of a system of filing and indexing public records.
  - f. "Public Records" means all documents, papers, electronic records, letter, maps, books, tapes, photographs, films, sound recording: or other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any officer, employee, official representative, or appointed board/committee member of the Town of Welaka.
  - g. "Sensitive Records" means those records dealing with secret, classified, or delicate government matters.
  - h. "Vital Records" means those records which contain information essential to the continuity of government operations or to the protection of individual citizen's rights, and which cannot be replaced.
- c. Custodianship of Public Records. Custodianship of public records shall be the responsibility of the Town Clerk, and in this regard, the maintenance of such records shall be in the care of the Town Clerk's office, depending on the life cycle of each document. Each outgoing Town Clerk shall deliver all public records in custody to his/her successor. Records not in current use shall be transferred to the Town Records Center.
- d. Duties of Town Officials and employees. It shall be the responsibility of the Town Clerk as administrator of the Town archives and records management program. In this regard, the Town Clerk, among all other functions required for the proper and efficient management of the public records of the Town, shall:
- 1. Develop and circulate such rules and regulations as may be necessary and proper to implement and maintain the archives and records management program.
  - 2. Provide and maintain the Town records center to house and preserve records.
  - 3. Advise and assist Town departments and the Town Council in the preparation of records inventory and destruction schedules.
  - 4. Approve destruction schedules before disposition of public records.
  - 5. Conduct surveys, studies and investigations to assist in promoting a proper and efficient records management program for the Town, including information retrieval systems.
  - 6. Identify and ensure the preservation of Town archives records.
  - 7. Provide for and direct appropriate city personnel to ensure the sound management of archival records and their availability to the public.

8. Ensure adequate security is provided to protect vital records.

e. Duties of Town Departments and Council

1. Each Town Department and Town Council member shall create and maintain all of its records and adequate and proper documentation of its organization, policies, decisions, procedures and essential transactions.
2. Each Town Department and Town Council Member, with the advice of the Town Clerk's office, shall establish and maintain an active, continuing program for the economical and efficient management for the records of the department. Such programs shall provide for:
  - a. Effective controls over the creation, maintenance and use of records in the conduct of business.
  - b. Cooperation with the Town Clerk in applying standards, procedures, and techniques designed to improve the management of records.
  - c. Segregation and disposal of records of temporary value in accordance with established retention schedules.
3. Those public records which are not required in the current operation of the office where they are made or kept, and all public records which can properly be disposed of, shall be transferred to the town records center in order that the historical records of the town may be centralized, preserved and made more widely available, and ensured permanent preservation, or approved for destruction, as the case may be.
4. Town Officials and Town Departments shall:
  - a. Manage all record management functions within their respective departments and act in close coordination with the Town Clerk.
  - b. With the advice and assistance of the Town Clerk, inventory all public records for disposition scheduling and transfer action accordance with procedures prescribed by law.
  - c. Consult with any other personnel responsible for creation or maintenance of specific records within his/her department regarding records retention and transfer recommendations.
  - d. Review established record retention schedules at least annually to ensure they are complete and current.

**SECTION 4. Recordation and Indexing of Ordinances**

The Town Clerk shall procure and maintain a suitably bound book, in which he/she shall record, within ten days after their passage, all ordinances adopted by the Town Council, and shall make and keep a proper index to such book, which shall be maintained current for ready reference to all the currently effective ordinances of the Town of Welaka.

## **SECTION 5. Inspection, Examination, and Duplication of Records**

The Town Clerk of the Town of Welaka, as custodian of records pursuant to the Charter of the Town of Welaka, shall permit the public records of the Town of Welaka to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the Town Clerk or by the Town Clerk's designee.

## **SECTION 6. Duplication Charge**

The Town Clerk shall furnish duplicated copies of public records upon payment of a duplication charge of \$.15 per page or, for reproduction of oversize documents, audio or video materials, the Town Clerk shall charge the actual cost of such reproduction, subject, however, to the assessment of the special service charge provided for below, if applicable.

## **SECTION 7. Special Service Charge**

When the nature or volume of public records to be inspected, examined or copied is such as to require extensive clerical or supervisory assistance, the Town Clerk shall charge, in addition to the duplication charge specified above, a special service charge. For the purposes of this section, the term "extensive" means that it will take more than fifteen minutes to locate, review for confidential and/or exempt information, copy and refile the requested material. For the purposes of this resolution, the Town Council of the Town of Welaka specifically finds that due to the current everyday demands on the limited manpower and resources of the Town Clerk, the expenditure of in excess of 15 minutes on my public information request is in fact "extensive" within the meaning and intent of Chapter 119, Florida Statutes.

The special service charge to be assessed by the Town Clerk when applicable, is as follows:

- a. For the purposes of this Ordinance, the Town Council of the Town of Welaka specifically finds that the foregoing special service charge is reasonable and is based on the labor cost to the Town of Welaka for the clerical and supervisory labor attributable to the processing of extensive public records requests as herein defined.

- Single-sided copies, up to 8 ½" X 14" - .15each
- Double-sided copies, up to 8 ½" X 14" - .20each
- Larger size copies – Based on actual cost of duplication
- Certified copy of public record - \$1.00 in addition to actual copy cost
- Duplicate CD- Audio - \$5.00
- Code of Ordinances without binder/tabs - \$75.00
- Code of Ordinances with binder/tabs - \$125.00
- Code of Ordinances – Periodic Updates - \$30.00

Note: Additional charges will be added to cover the cost of postage and packaging as necessary.

- b. Florida Statutes, § 119.07(1)(b) provides "if the nature or volume of public records requested to be inspected, examined, or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both." For the purpose of this

policy, “extensive clerical or supervisory assistance” is determined to be requests that require more than one-half hour of an employee’s time to research, retrieve and copy the requested records. For public records requests requiring more than one-half hour, the requester will be required to pay the hourly salary of the employee doing the research, copying the records and/or supervising the requester’s research. This hourly fee will begin after the first half-hour of clerical or supervisory assistance is completed. For requests estimated to require more than one hour of a Town employee’s time, a minimum deposit of \$25.00 will be required (Deposit will be adjusted dependent on the volume of records/research requested). The deposit will be applied to the final cost of the public records request.

- c. The Town of Welaka will accept cash, personal check on a local bank, money order, certified check or payment by credit card. All fees shall be paid prior to the delivery of the materials. Any check, money order, or certified check shall be made payable to “Town of Welaka”.

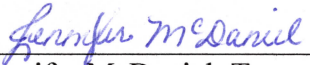
#### **SECTION 8. Exemptions, Privileged Information**

Nothing contained in this Ordinance is intended to waive or supersede the exemptions or privileges provided in Chapter 119, Florida Statutes related to records review and duplication.

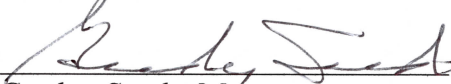
PASSED by the Town Council of the Town of Welaka, Florida on First Reading this 12<sup>th</sup> Day of September 2018.

PASSED by the Town Council of the Town of Welaka, Florida on Second Reading this 22<sup>nd</sup> Day of September 2018.


**ATTEST:**

  
\_\_\_\_\_  
Jennifer McDaniel, Town Clerk

**SIGNED:**

  
\_\_\_\_\_  
Gordon Sands, Mayor

**APPROVAL AS TO FORM:**

  
\_\_\_\_\_  
Allen Scott, Town Attorney

  
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Sam McGauley, Council President